



Anthony M. Rainone
Direct Dial: 973-364-8372
Direct Fax: 973-618-5972
E-mail: arainone@bracheichler.com

October 12, 2022

VIA ECF LETTER MOTION

Hon. Andrew E. Krause, U.S.D.J.
United States District Court Southern District of New York
The Hon. Charles L. Bricant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: **Brands Within Reach, LLC v. Belvoir Fruit Farms Ltd.**
Civil Action No.: 7:19-cv-04947-AEK

Dear Judge Krause:

This firm represents the Plaintiff Brands Within Reach, LLC ("Plaintiff") with regard to the above-referenced matter. Pursuant to Your Honor's Individual Practices I(D), Plaintiff respectfully requests an adjournment of the October 19, 2022 in-person status conference.

1. Original date of the proceeding: October 19, 2022 at 2:00 p.m.
2. Number of previous requests for an adjournment: none
3. Whether previous requests were granted or denied: n/a
4. Reasons for the present request: The sole member of Plaintiff (a limited liability company) is non-party New Age, Inc. ("New Age"). On August 30, 2022, New Age filed for Chapter 11 Bankruptcy in the United States Bankruptcy Court, District of Delaware, Case No. 22-10819. New Age is represented by Greenberg Traurig LLP in the bankruptcy case. The undersigned did not learn of the bankruptcy until September 12, 2022 and I was able to discuss this pending lawsuit for the first time on October 5 (after the Court's September 29, 2022 order and decision on summary judgment).

At this time, I am awaiting direction from New Age's bankruptcy counsel as well as approval by the bankruptcy court for New Age to retain counsel (this firm or any other)

5 Penn Plaza, 23rd Floor
New York, New York 10001
212.896.3974

101 Eisenhower Parkway
Roseland, New Jersey 07068
973.228.5700

2875 South Ocean Blvd., Suite 200
Palm Beach, Florida 33480
561.899.0177

www.bracheichler.com

Hon. Andrew E. Krause, U.S.D.J.
October 12, 2022
Page 2

to finish prosecuting the affirmative claims by Plaintiff. Bankruptcy counsel will need time to prepare the application for retention and file same with the Bankruptcy Court.

5. Whether all parties consent: I have conferred with defense counsel by phone and email and he advised that his client needs time to look into the implications of New Age's bankruptcy for this action, including possibly consult with a bankruptcy lawyer, so at this point his client takes no position on the request for adjournment.

Based upon the foregoing, Plaintiff respectfully requests the Court adjourn the in-person status conference sixty days to allow for Bankruptcy Court approval of retention of counsel and proceeding with this claim.

Respectfully submitted,



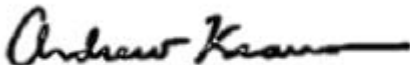
Anthony M. Rainone

Plaintiff's letter motion to adjourn the October 19, 2022 conference (ECF No. 110) is GRANTED. The conference will now take place on December 19, 2022 at 10:00 a.m., in person in Courtroom 250 in the White Plains federal courthouse.

By November 18, 2022, the parties must submit a joint letter regarding their respective positions as to the implications of the New Age, Inc. bankruptcy filing on this matter. At a minimum, the November 18, 2022 submission must address whether the automatic stay provision of the Bankruptcy Code is applicable to any of the claims or counterclaims in this case.

Dated: October 14, 2022

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge